

REMARKS

(1) Claims 2, 3 and 5-12 are pending in this application, of which claims 2 and 9-12 have been amended. Claims 5-8 have been withdrawn from further consideration. Claims 1 and 4 have been cancelled in this Response. No new claims have been added.

(2) Claim 12 was objected to because of the error stated in Item 3 of the Office Action. In response, claim 12 has been amended to add the term "using" as suggested by the Examiner.

(3) Claims 1-4 and 9-12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that "R₂" of the definition of ">CR₂" in claim 1 is not defined. Item 6 of the Office Action. In response, Applicants note that "R₂" of ">CR₂" means two "R"s combined to "C," and that "R" is described in the claim. Therefore, original claim 1 is definite. However, since claim 1 has been cancelled, the rejection has made moot.

(4) Claims 1-4, 9 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Takiguchi et al. (U.S. Patent No. 2003/0068535). Item 8 of the Office Action.

Claim 2 has been rewritten into independent form. Also, amended claim 2 has incorporated the recitation of claim 4. Takiguchi et al. do not disclose the structure represented

by formulae I-(1) to I-(6) recited in original claim 2. In formula (6) of Takiguchi et al. (paragraph [0054]), "X" does not denote nitrogen. *See* paragraph [0055] of Takiguchi et al. In addition, there is no disclosure or suggestion by Takiguchi et al. that R₃ or R₄ of the last formula listed in paragraph [0093] is a fluorine atom or a trifluoromethyl group. The rejection on amended claim 2 under 35 U.S.C. §102(b) is not supported by Takiguchi et al. Reconsideration of the rejection is respectfully requested.

(5) Claims 10 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Takiguchi et al. (U.S. Publication No. 2003/0068535) in view of Kamatani et al. (U.S. Publication No. 2003/0224208).

The same arguments made for claim 2 apply to the rejection. In addition, since the metal coordination compound recited in amended claim 2 is distinguishable from Takiguchi et al., even a combination of Takiguchi et al. with Kamatani et al. does not make the invention of claims 10 and 12. Reconsideration of the rejection is respectfully requested.

(6) In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date. If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No. 10/559,774
Art Unit: 1796

Amendment under 37 C.F.R. §1.111
Attorney Docket No. 053444

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

/SHUJI YOSHIZAKI/
Shuji Yoshizaki
Patent Agent
Registration No. 62,785
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

SY/mt